

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

EDGARDO DIAZ, Individually and on Behalf of All  
Others Similarly Situated,

**Case No.**  
18-CV-04910 (ALC)(GWG)

Plaintiff,  
-against-

**DECLARATION OF  
CHRISTOPHER P.  
HAMPTON, ESQ.**

NEW YORK PAVING INC.

Defendant.

----- x

**CHRISTOPHER P. HAMPTON**, declares, pursuant to 28 U.S.C. § 1746 and  
subject to the penalties of perjury, that the following is true and correct:

1. This firm represents Defendant in the above-captioned action.
2. The undersigned submits this Declaration in Opposition to Plaintiffs' Motion  
for Sanctions Under FED.R.CIV.P 37 for Defendant's Concealment of its old Bethpage Faculty  
(ECF Docket Entries 210-212) (the "Motion").
3. The undersigned annexes to this Declaration Exhibits "A" - "P," which are  
relied upon and cited in Defendant's Opposition to the Motion. Copies of these documents are  
as follows:
4. Exhibit A – Chronology of Wittels fraudulent behavior.
5. Exhibit B – Defendant's Counsel's April 24, 2018 Correspondence.
6. Exhibit C – Plaintiffs' Counsel's May 30, 2018 Correspondence.
7. Exhibit D - Deposition Transcript of Edgardo Diaz at 44:14-49:03, 133:07-  
134:08, 139:06-149:24, 147:11-148:16; Deposition Transcript of Frank Wolfe at 28:11-30:19;  
Deposition Transcript of Terry Holder at 39:24-47:06.

8. Exhibit E - Transcripts from the National Labor Relations Board proceeding in New York Paving, Inc. (29-CA-209803, 29-CA-197798, 29-CA-213828, 29-CA-213847), dated October 16, 17, 18, 2018.

9. Exhibit F - Transcript from the National Labor Relations Board proceeding in New York Paving, Inc. (29-CA-209803, 29-CA-197798, 29-CA-213828, 29-CA-213847), dated September 21, 2018, at 197:6-197:14, 213:19-214:8.

10. Exhibit G - Screenshot of Google Search.

11. Exhibit H - Plaintiffs' Initial Disclosures.

12. Exhibit I - Plaintiffs' Interrogatories and Document Demands directed to Defendant, dated October 12, 2018.

13. Exhibit J – Plaintiffs' Second Request for Production of Documents, dated July 16, 2020.

14. Exhibit K - Defendant's Response and Objections dated December 21, 2018, and Defendant's Fourth Supplemental Responses and Objections, dated January 13, 2020

15. Exhibit L – Peter Miceli Transcript Cover Pages.

16. Exhibit M – Robert Coletti Transcript Cover Page.

17. Exhibit N. - Email Correspondence dated March 22, 2021.

18. Exhibit O - Letter Correspondence dated March 26, 2021.

19. Exhibit P –Order of the Honorable Sanket J. Balsara, United States Magistrate Judge dated December 18, 2019 re: *Donin, et al. v. Just Energy Group Inc. et al.*

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Mineola, New York  
June 17, 2021

**MELTZER, LIPPE, GOLDSTEIN &  
BREITSTONE, LLP**  
*Attorneys for the Defendant*

By: /s/ Christopher P. Hampton  
Christopher P. Hampton  
190 Willis Avenue  
Mineola, New York 11751  
(516)747-0300  
[champton@meltzerlippe.com](mailto:champton@meltzerlippe.com)